

#### REMARKS

Claims 1, 3, 4, and 6-10 are pending and stand newly rejected under 35 U.S.C. § 103(a) as being unpatentable over Noguchi (JP 9-183560, hereinafter "Noguchi") in view of Takada (JP 2001-010764, hereinafter "Takada"), the Examiner's previous indication of allowable subject matter having been withdrawn. Applicant respectfully requests reconsideration and withdrawal of the rejection for the reasons discussed below.

With respect to independent Claim 1, the rejection contends that Noguchi teaches a mounting arrangement for attaching an electrically powered stapler to a photocopying equipment. However, the rejection fails to identify any specific portion in the English translation of Noguchi as supporting this contention. Nor is any such teaching evident to Applicant. The rejection appropriately acknowledges that Noguchi is silent as to the provision of any electrical mounting devices. Indeed, as Noguchi is not seen to disclose an electrically powered stapler (e.g., there is no mention of an electric motor to power the stapler) there would be no need for such mounting devices in Noguchi's apparatus. Note further that Noguchi's rocking member 12 could be actuated by any suitable external mechanical device.

For the foregoing reasons, Applicant respectfully submits that the basic premise of the outstanding rejection with respect to Claim 1 is flawed. More specifically, Noguchi is not seen to teach or suggest a mounting arrangement for attaching an electrically powered stapler to a photocopying equipment. It follows that Noguchi also fails to suggest such an arrangement including the additional features particularly set forth in Claim 1.

Takada fails to overcome the fundamental deficiencies of Noguchi discussed above.

Independent Claim 7 recites a stapler constructed to be electrically and mechanically attached to a photocopying equipment, including, *inter alia*, an electrical attachment member for electrically connecting the stapler to a power supply. Claim 7 thus distinguishes patentably from Noguchi and Takada for reasons similar to those discussed above with respect to Claim 1.

In view of the above discussion, Applicant respectfully submits that the outstanding rejection is unwarranted, and that the previous indication of allowable subject matter was appropriate and should not have been withdrawn.

Favorable reconsideration of this application is therefore respectfully requested.

The Commissioner is hereby authorized to charge to Deposit Account No. 50-1165 (XA-10311) any fees under 37 C.F.R §§1.16 and 1.17 that may be required by this paper and to credit any overpayment to that Account. If any extension of time is required in connection with the filing of this paper and has not been separately requested, such extension is hereby requested.

Respectfully submitted,

Date: January 12, 2009

Miles & Stockbridge P.C.  
1751 Pinnacle Drive  
Suite 500  
McLean, Virginia 22102  
(703) 903-9000

By: Mitchell W. Shapiro/  
Mitchell W. Shapiro  
Reg. No. 31,568